



**Statement before the  
United States Commission on International Religious  
Freedom**

***“Crackdown on Religious Freedom in  
Nicaragua.”***

A Testimony by:

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**November 15, 2022**

## **No Room to Worship: The Church of Ortega-Murillo in Nicaragua**

A bishop, already holed up under house arrest, is led out of the Episcopal rectory in Matagalpa at gunpoint by Nicaragua's National Police. He is forced onto his knees—a position he is accustomed to assuming, albeit always to genuflect before the almighty. This time, he begs for his life at the altar of Ortega-Murillo, the dictatorial couple who rule Nicaragua. And so it was several months ago for Bishop Rolando Álvarez, who unwillingly created one of the most iconic scenes of Nicaragua's struggle to regain its democracy. In the latest phase of their crackdown, the Ortega-Murillo regime has found new depths of depravity with an assault on the country's Catholic Church, arresting nearly a dozen men of the cloth, accusing them of “crimes against spirituality” and “destabilizing” Nicaragua, shuttering church-run media outlets. As one of the last bastions of free expression and liberal thought, these assaults on the Catholic Church are very serious and demand a robust international response. Leveraging tools from existing legislation to Executive Orders, the Biden administration and the international community must urgently increase pressure on the Ortega-Murillo regime to slow and reverse the consolidation of its dynastic dictatorship in Central America.

### **Countrywide Crackdown**

Beginning in April 2018, a series of brutal crackdowns have occurred in Nicaragua as the Ortega-Murillo regime has ratcheted up its repression against opponents and civil society alike, accelerating its drive to consolidate a dynastic dictatorship. Today, Nicaragua is best characterized as a police state with no alternative centers of social or political organization outside of the ruling regime. More specifically, the state functions like a family business, with all the ruling couple's children occupying government posts or prominent positions in public companies. (The couple has not revealed its wealth for 20 years.) Few have been spared by the National Police, Nicaraguan Army, and/or the paramilitary groups that are loyal to Daniel Ortega and Rosario Murillo. Further, the regime has brutally repressed Indigenous peoples, journalists, and members of the Nicaraguan clergy. The government currently holds over 200 political prisoners, most in abhorrent conditions at El Chipote, a prison complex outside Managua known for its use of torture and dungeon-like conditions.

In response to protests against cuts to social security, the Nicaraguan government adopted a chilling strategy that has been described by Amnesty International as “shoot to kill.” This strategy led the Nicaraguan government to be accused by various international actors of committing crimes against humanity. In 2018 alone, over 350 people were killed and more than 2,000 were injured, with accompanying reports of widespread extrajudicial imprisonment and torture.<sup>1</sup> Thousands of neighborhoods erected barricades as a form of defense from the regime's relentless violence, which was indiscriminate in most cases. More than 100,000 people were sent into exile as the regime instructed doctors to deny care to wounded protesters (in clear contravention of the Hippocratic Oath), burned families alive, and employed snipers to kill more than a dozen people in a single day.<sup>2</sup>

The November 2021 election unfolded in a surreal environment that few countries have ever witnessed. Nicaragua's political opposition was driven into exile or imprisoned during a period now referred to as the “Months of the Long Knives.”<sup>3</sup> The regime detained 39 government critics

ahead of the elections, including, quite incredulously, seven leading presidential candidates.<sup>4</sup> Most were prosecuted for “conspiracy to undermine national integrity,” lacking the rudimentary elements of due process. Many were held in solitary confinement for longer than 15 days, which amounts to torture under international definitions. Visits for political prisoners are heavily restricted. Detainees are provided meager meals and unbalanced diets, leading to visible weight loss, and some have been refused critical care for chronic illnesses.

The Ortega-Murillo regime has built its authoritarian architecture with the assistance of Nicaragua’s pliant National Assembly, which has passed a series of laws that constitute the authoritarian scaffolding it has deployed to such devastating effect. These include the 2021 “Foreign Agents Law,” in which journalists and civil society leaders must register as “foreign agents” within the country if they receive any external funding from international actors to publish or operate. The 2020 “Cybercrimes Law” has also been indiscriminately applied to eviscerate free speech, making it a crime to offend the Ortega government in online discourse. Citizens who publicly applaud sanctions or request foreign assistance are stripped of any right to be elected to public office at the hands of the “Law for the Defense of the Peoples.” The 2020 terrorism law is also broadly used to permit the imposition of life sentences on anyone whom the regime wants to punish.<sup>5</sup>

The regime has also extended executive control over other branches of government, as when it installed its preferred candidates on the country’s Supreme Electoral Council (SEC), including individuals already sanctioned by the United States.<sup>6</sup> The SEC, in turn, announced an expedited electoral timeline, where parties had only one week to register alliances. The Council also stripped the only remotely credible opposition party of its juridical status during the 2021 election.<sup>7</sup>

With 3,000 paramilitaries largely integrated into local Sandinista Party apparatuses, the presence of notorious Cuban intelligence officers in prisons, and widespread impunity for security forces involved in human rights abuses, the Ortega-Murillo regime has consolidated a brutal monopoly on the (illegitimate) use of force in Nicaragua.<sup>8</sup> Nicaraguan security forces have instituted a regime of state-sponsored terror that extends beyond the state, going as far as to cross the country’s borders and pursue exiled Nicaraguans in neighboring Costa Rica.<sup>9</sup> In a recent CID-Gallup poll, more than half of all Nicaraguans expressed a desire to emigrate.<sup>10</sup> Every month, more publications critical of the regime are shuttered while hundreds of journalists live in exile, fleeing widespread government raids on their offices and even arrests of fellow staff members.<sup>11</sup> Journalists are not the only civil society leaders facing increased repression; authorities have canceled the legal registration of literally two thousand NGOs and several universities since 2018.<sup>12</sup> However, as the Ortega-Murillo regime’s repression continues unabated, its latest target is a deeply embedded and fiercely independent sector of Nicaraguan society: the Catholic Church.

### The Church of Ortega-Murillo

Since the beginning of 2022, the Ortega-Murillo regime has augmented its attacks on the Catholic Church and its members. It has detained members of the clergy, imposing strict limits on the practice of religion, and in some cases, it has brutalized priests, bishops, and congregations. In late September, Ortega even called the Catholic Church a “dictatorship,” describing priests as “killers” and “coup plotters,” and accusing them of working on behalf of “American imperialism.”<sup>13</sup> In late

August 2022, Nicaraguan police detained bishop Rolando Álvarez after raiding his home, putting him under house arrest and also arresting multiple members of his clergy.<sup>14</sup> Striking photos of his arrest, which captured a kneeling bishop Álvarez at gunpoint, forced to beg for his life, raised alarms from human rights defenders across the globe. Álvarez remains under arrest.

This is not the first incident of the regime repressing members of the Catholic Church in the past several years, recalling the infamous case of the regime-led assassination plot against Bishop Silvio Báez, who served as an intermediary between anti-government protesters and the Ortega regime in 2018 and now lives in exile.<sup>15</sup> As Álvarez valiantly took Báez's place as one of the regime's top critics, he became a principal target of Ortega and his backers—this time, without the possibility of escape.

However, Ortega's regime was not always at odds with the church. In 2006, shortly before his return to power, Ortega, previously a devoted atheist, reinvented himself as an observant Catholic.<sup>16</sup> Once inaugurated, he supported some of the strictest anti-abortion laws in the world, and his subsequent reelection campaigns invoked religious symbolism, propaganda, and the fabrication of Catholic backstories for Ortega and his wife to establish a façade before the Nicaraguan people.<sup>17</sup> These actions were successful in even co-opting members of the clergy, who had a long history of activism in Nicaraguan politics (mostly against the Somoza government), into supporting Ortega's political party.<sup>18</sup>

Nevertheless, the Catholic Church did not stand by as Ortega sought to turn the government into a dictatorial machine. In 2020, for example, following mass protests, churches opened their doors to provide medical assistance and shelter for those fleeing brutal crackdowns, even as regime security forces threatened to detain clergy members for providing assistance.<sup>19</sup> For years, the Church has decried blatant human rights abuses and risked the lives of its clergy to defend the Nicaraguan people against the regime.

The Ortega-Murillo regime has responded to the church's resistance with an iron fist, exemplified by countless instances of repression against members of the clergy since March of 2022.<sup>20</sup> In March, the regime expelled the Vatican's ambassador to Nicaragua, Archbishop Waldemar Stanisław Sommertag, without explanation. In May, Bishop Álvarez launched a hunger strike to protest police harassment against him and his family. In the same month, Nicaraguan police forces held Father Harving Padilla hostage in his Masaya parish for over 10 days after he criticized government closures of human rights NGOs. In July, the government also shut down the Missionaries of Charity, an order founded by Mother Teresa, which was active in Nicaragua for over three decades, forcing 18 of its nuns into exile in Costa Rica.

In mid-August, Father Óscar Benavidez Dávila asked for prayers for Álvarez in a Sunday mass and said that the "truth cannot be silenced." The government responded by detaining him. Security forces have also accosted various priests at the New Cathedral of Managua and surrounded churches while their members celebrate mass. When the families of political prisoners went on hunger strike at a church in Masaya, police responded with a blockade and cuts to water and electricity while officers and paramilitaries laid siege to the church.<sup>21</sup> The latest Catholic priest to be detained was Father Enrique Martínez Gamboa. His whereabouts and condition are both unknown.<sup>22</sup>

According to NGO reporting, in less than four years, the Catholic Church in Nicaragua has been the target of 190 attacks and desecrations. In addition to the aforementioned assaults against clergy members, these incidents have included an intentional fire set in the Managua Cathedral, and the forced closure of nearly a dozen Catholic radio stations. The government is also responsible for the closure of the Catholic Church's social services in the Diocese of Estelí, the forced closure and expropriation of the *Universidad Católica Agropecuaria del Trópico Seco*, and the shutting down of 13 parochial schools of the Diocese of Estelí.<sup>23</sup>

In a country that is majority Catholic, the Nicaraguan Catholic Church plays a vital role in the quotidian life and political discourse of the country.<sup>24</sup> It is one of the last institutions in the country that is fiercely independent and liberal in its thinking, representing a clear and present danger to Ortega's aspiration for a dynastic dictatorship. As a result, attacks on members of the Nicaraguan church inextricably translate to a direct assault against the Nicaraguan people, their beliefs, and their identities.

### United States Policy Toward the Ortega-Murillo Regime

United States policy has been characterized by the use of economic coercion and other instruments of pressure to induce behavior change from the Ortega-Murillo regime and earn political space for the democratic opposition. The Trump and Biden administrations, with the help of Congress, have created a variety of policy measures to cut off financial lifelines to the Ortega-Murillo regime. As an initial response to the 2018 crackdown, Congress passed the Nicaraguan Investment Conditionality Act (NICA Act), which sought to curtail loans at international financial institutions for Nicaragua until the regime demonstrates that it was taking effective steps to hold free and fair elections. Although the NICA Act has been in place for four years, U.S. representatives at international financial institutions have failed to enforce both the letter and spirit of the law, meaning that the regime has benefited from billions of dollars in loans that never should have been approved.<sup>25</sup> According to World Bank data, the Ortega-Murillo regime has received more resources than it did prior to the approval of the NICA Act.<sup>26</sup> In 2021 alone, the Nicaraguan government reported that it had received around \$1.1 billion in foreign funding, representing a staggering 40 percent increase from the previous year, including several controversial loans approved through dubious claims of humanitarian purpose.

A primary contributor to the maintenance of the Ortega-Murillo regime has, in fact, been one of the most prominent financial institutions in Central America—the Central American Bank for Economic Integration (CABEI). CABEI has served as a critical lifeline for Ortega, disproportionately loaning billions to the country while demonstrating a preference over other Central American economies. According to recent estimates, CABEI has loaned the regime \$3.5 billion in recent years, an amount greater than what El Salvador and Guatemala combined have received.<sup>27</sup> CABEI has also financed the expansion of the Nicaraguan National Police, whose members have been directly responsible for gross violations of political rights and religious freedoms.

Individual sanctions have featured prominently in U.S. policy, aimed at those responsible for human rights abuses. In the past two years, the U.S. Department of the Treasury's Office of Foreign

Assets Control has also increased sanctions on entities. The Nicaraguan National Police,<sup>28</sup> the Nicaraguan Institute of Telecommunications and Mail (TELECOR),<sup>29</sup> and the state-owned Nicaraguan Mining Company (ENIMINAS) have all been designated for human rights abuses and corruption.<sup>30</sup> Sanctions on ENIMINAS may be particularly impactful, given that the country exported over \$750 million worth of gold to the U.S. just last year.<sup>31</sup> Recent actions by the Biden administration have sought to close loopholes and further build out sanctions against the gold mining industry.

The U.S. appears to be recognizing that the time of individual sanctions has mostly passed. This relatively recent shift is upheld by the passage of the Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform (RENACER) Act in November of 2021. The RENACER Act greatly expanded the U.S. capacity to create new and targeted sanctions against Nicaragua, called for the executive branch to review Nicaragua's continued participation in the Central American Free Trade Agreement (CAFTA), required oversight of international financial institutions' lending to Nicaragua, and required sanctions coordination between the U.S., Canada, and the E.U, among other measures. Although this act required reporting on human rights abuses committed by Nicaraguan security forces in rural and indigenous communities, it does not specifically require reporting on such acts committed by security forces against religious leaders. Additionally, it has been reported that the Biden administration concluded, as a result of this legislation's required revision on Nicaragua's participation in CAFTA, that it does not have the authority to suspend the country from the agreement unilaterally.<sup>32</sup> Absent a democracy clause in the agreement, suspension, which would harm the regime economically and reputationally, would only be possible if the United States could persuade the other members of CAFTA-DR—Costa Rica, the Dominican Republic, El Salvador, Guatemala, and Honduras—to suspend Nicaragua from participating in the free trade agreement. Given the composition of the group, this is an unlikely outcome.

Since the passage of the RENACER Act, more high-impact actions have been taken by the U.S. against the regime. In a move that was long overdue, the Biden administration revoked Nicaragua's share of an annual quota on sugar exports to the United States.<sup>33</sup> Also, several weeks ago, the United States Department of the Treasury expanded previous sanctions on the Nicaraguan General Directorate of mines for, in addition to human rights abuses, "transactions involving deceptive practices or corruption."<sup>34</sup> In addition to targeting specific individuals, these expanded sanctions have also created specific trade and investment restrictions, laying the foundation for a greater package of sanctions actions in the future.

### Building Momentum and Sustaining Focus: Policy Recommendations

The Ortega-Murillo regime has destroyed any possible electoral route out of Nicaragua's nightmare. Instead, a strategy of sustained international pressure should be developed and maintained as the cement dries on Nicaragua's consolidated, dynastic dictatorship. A successful strategy will leverage existing legislation and executive orders to ramp up pressure and build an effective sanctions architecture.

**Cut off Ortega's sources of finance.** Last year's passage of the RENACER Act, albeit delayed, was an important move against the Ortega regime. The RENACER Act tightened the interpretation

of the earlier NICA Act, which mandated that U.S. representatives at international financial institutions vote against loans to Nicaragua. This is critical to cutting off Ortega's ability to access funds at international financial institutions. Without greater action, the U.S. response to Nicaragua could be interpreted by other regional leaders as acquiescence.

While much progress has been made with some international financial institutions, CABEI—and especially its dictator-friendly Executive President, Dante Mossi—remains an outlier, lending billions in recent years to Ortega. The United States is not a shareholder in the bank, making meaningful action against CABEI more difficult. However, the U.S. should request that partners and allies that are shareholders—Taiwan, South Korea, and the European Union—enforce a democracy clause on loans to Nicaragua. The U.S. should also consider pulling visas for high-level officials at CABEI and study the impact of preventing the bank from raising capital on U.S. markets.

**Encourage Pope Francis to speak out more forcefully.** Pope Francis has not been the vocal presence many expected him to be on Nicaraguan issues, especially in the wake of the Ortega-Murillo regime's dramatic escalation of repression against the Catholic Church. The Catholic President of the United States and Catholic Members of Congress should reach out to Pope Francis personally to encourage a greater voice in protecting his flock internationally.

**Advocate for political prisoners.** The U.S. should push incessantly for the release of political prisoners in Nicaragua. The U.S. should insist that Nicaragua permit family visits to prisoners, demonstrate signs of life for those disappeared, force Nicaragua to allow NGOs and human rights defenders to visit prisons, and push for better conditions and legal representation.

**Under current conditions, declare all of Nicaragua's elections "illegitimate," along with the regime they seek to affirm.** The U.S. should be clear about the illegitimacy of November 7, 2021, and the most recent municipal elections on November 6, 2022. Diplomatic language should make clear that the U.S. considers the Ortega-Murillo regime illegitimate. Canada, the E.U., and especially reluctant countries throughout Latin America should be encouraged to follow suit. Under the current architecture, "elections" in Nicaragua are not an exercise in democracy but a coronation ceremony and a bitter reaffirmation of the regime's dynastic dictatorship.

**Article 21 of the Inter-American Democratic Charter.** Even though Nicaragua has declared its intention to exit the OAS, the U.S. should build on recent OAS resolutions and assemble a group of countries willing to apply Article 21 of the Inter-American Democratic Charter to Nicaragua. The OAS Working Group on Nicaragua, the Inter-American Commission on Human Rights, and countless NGOs have compiled exhaustive evidence of suspension-worthy crimes. If the Western Hemisphere does not move to suspend Nicaragua from the OAS, the Charter risks irrelevance.

**Sanctions Targeting.** More sanctions alone will be insufficient to turn the tide. As sanctions increase, targeting must become more strategic, namely, they should aim at entire entities and sectors. *Simply put, dramatic events mean the moment of individual sanctions has ended.* The U.S. should sanction the Nicaraguan Army under the same rationale used to sanction the National Police. The Army has been involved in some of the country's gravest human rights abuses and stands accused of arming paramilitary groups. The U.S. should also target the Nicaraguan Army's

*Instituto de Previsión Social Militar (IPSM)*, its lucrative investment fund that is not only exposed to U.S. markets but helps Ortega to maintain the loyalty of the top brass. While the United States has sanctioned the head of the Army and IPSM already, it could increase pressure by targeting both institutions as entities. It could also target mayors, who coordinate repression, and all of whom belong to the Sandinista political coalition following the most recent sham municipal elections.

**CAFTA-DR.** The U.S. must review its trading relationship with Nicaragua. Not only is trade with the U.S. a privilege and not a right, but in a country lacking even the semblance of the rule-of-law, it is doubtful that Nicaragua can comply with its obligations under CAFTA-DR. Only one other country in the world—Bahrain—is classified by Freedom House as “not free” and yet maintains a free trade agreement with the U.S. A review of Nicaragua’s participation in CAFTA-DR should include a robust discussion of suspension, as mandated by the RENACER Act. Short of that, the U.S. should consider other trade privileges that can be curtailed by the executive branch, specifically, the suspension of imports/exports of critical sectors in Nicaragua.

**Support the appointment of a U.S. Special Envoy.** The Biden administration ought to appoint, and the Congress ought to fund, the appointment of a time-limited special envoy for Nicaragua. With Russia’s war in Ukraine, Xi Jinping’s menacing of Taiwan, and North Korea’s incessant missile launches, to name but a few, there are too many distractions to sustain the requisite focus on Nicaragua. A Special Envoy would direct inter-agency coordination and develop the necessary international coalition to pressure the regime.

**Push for and support an investigation at the International Criminal Court.** Member states of the International Criminal Court could seek an investigation into crimes against humanity committed by the Ortega-Murillo regime. A similar investigation against Venezuela has been successful in keeping regime officials off balance, judging by statements from those officials.

## NOTES

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